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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/990,899 | 11/16/2001 | Bryant E. Bigbee | 42390P12481 | 3441 |
| 8791 | 7590 | 05/26/2004 | EXAMINER | |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025 | | | PERVEEN, REHANA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2116 | |

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,899

Applicant(s)

BIGBEE ET AL.

Examiner

Rehana Perveen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the register", "the processor identification instruction", and "the selected value in lines 1-2. There is insufficient antecedent basis for these limitations in the claim since claim 4 depends from claim 1 which does not recite these limitations. Claim 3 recites all of these limitations. Therefore, correction is required to correct the dependency of claim 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 9-12, 16, 18, 20-22, and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Chalmers et al, Publication No. US 2003/0182545.

As to claims 1 and 9, Chalmers et al teach verifying if a brand string feature is supported on a processor (page 1, 0016 and page 2, 0019), retrieving a brand string (page 2, 0021, lines 1-4 and 0024, lines 1-6), interpreting the brand string including information pertaining to a maximum operating frequency of the processor (page 2, 0019 and page 3, 0025, lines 6-13), and outputting maximum operating frequency (page 4, claim 1, line 6).

As to claims 2, 10, 21, and 27, Chalmers et al teach scanning the brand string in reverse order for a quantity or for the maximum operating frequency (page 1, 0014 and page 3, 0029).

As to claims 3, 11, 16, 20, and 26, Chalmers et al teach verifying if a value loaded in a register by a processor identification instruction is greater than or equal to a selected value (page 3, 0027-0029).

As to claims 5, 12, 18, and 22, Chalmers et al teach loading a register with a first specified value (page 2, 0024), executing a processing instruction (page 2, 0021),

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verifying that the returned value in the register logically anded with a second specified value does not equal zero and verifying that a value the processing instruction returns is greater than or equal to a third specified value (page 3, 0027-0029), scanning the string in reverse order for at least one specified substring (page 1, 0014 and page 3, 0029), parsing the next digits as a decimal number, determining a multiplier value according to the specified substring, and multiplying the decimal number by the multiplier value to output a maximum operating frequency (page 2, 0019 and page 3, 0025-0029).

As to claim 28, Chalmers et al teach the processor is further able to measure a current operating frequency of the processor and compare the maximum operating frequency to the current operating frequency (page 4, claims 1-3).

As to claim 29, Chalmers et al teach the maximum operating frequency is stored in the second register at manufacturing time (as part of the BIOS, page 2, 0019 and page 3, 0032).

As to claim 30, Chalmers et al teach system software to store maximum operating frequency information set at manufacturing time (page 1, 0016 and page 3, 0032).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6-8, 13-15, 17, 19, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalmers et al, Publication No. US 2003/0182545.

Chalmers et al do not expressly teach the specific register types, specific instruction type, specific values, or specific substring type. However, one of ordinary skill in the art at the time of applicants' claimed invention would have readily recognized that use of such specific types and values have been quite well known in the prior art systems. Further, the benefits and advantages of achieving acceptable results when operating utilizing these specific types and values have also been well known to one of ordinary skill in the art at the time of applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 703-305-8476. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Rehana Perveen', with a stylized, looping flourish extending to the right.

Rehana Perveen
Primary Patent Examiner
Technology Center 2100